

Memorandum



Date: January 23, 2014

To: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

From: Carlos A. Gimenez
Mayor

Substitute
Special Item No. 1

Subject: Ordinance Providing for Disposition of the Lucky Start At The Hammocks, LLC,
Application to Amend the Comprehensive Development Master Plan

This substitute item differs from the original item (Legistar No. 130039) in that it revises the preamble of the original ordinance to reflect the action taken by the Board of County Commissioners at its "transmittal" public hearing held April 2, 2013, and acknowledges correspondences received from the State land Planning Agency and other reviewing agencies issued between May 28, 2013 and June 14, 2014. This substitute ordinance addresses the disposition of the pending Lucky Start at the Hammocks, LLC, Application to Amend the Comprehensive Development Master Plan (CDMP).

Recommendation

It is recommended that the Board of County Commissioners (Board) approve the attached ordinance (Substitute Special Item No. 1) which provides for adoption, adoption with change, or denial of the Lucky Start at the Hammocks, LLC, Application to amend the Comprehensive Development Master Plan.

It is recommended that final action be taken on this substitute ordinance for the referenced CDMP amendment application at the conclusion of the public hearing scheduled for January 2014 in the Commission Chamber. This ordinance follows the same format used in previous CDMP amendment cycles. That is, it contains a blank space to record the Board's action on the requests contained in the referenced CDMP amendment application.

Scope

The CDMP is a broad-based countywide policy-planning document to guide future growth and development, to insure the adequate provision of public facilities and services for existing and future populations, and to maintain or improve the quality of the natural and man-made environment. The application site is located within Commission District 11 (Commissioner Zapata). The proposed CDMP amendment is anticipated to have a localized impact on one or more commission districts, notwithstanding its association with the Hammocks Development of Regional Impact.

Fiscal impact

Fiscal impact means the cost to the County of implementing the activities or actions that would be incurred after approval of the ordinance. Ordinance No. 94-238 requires a statement of fiscal impact on all activities and actions resulting from approval of an ordinance. In addition, Ordinance No. 01-163 requires the review procedures for amendments to the CDMP to include, for any proposed land use change, a written evaluation of the estimated incremental and cumulative impact to Miami-Dade County for bringing such public infrastructure to the area, as well as, annual operating costs. Also, in accordance with Resolution No. 530-10, County departments are required to include detailed financial costs and budgetary impact analysis for

items that have a fiscal impact to the County. Information on the fiscal impact of the referenced CDMP amendment application is contained in "Appendix F" of the document titled, "Application and Initial Recommendation Lucky Start at the Hammocks, LLC, Application to Amend the Comprehensive Development Master Plan", dated November 13, 2012.

The Miami-Dade Water and Sewer Department indicates that if the subject property were developed with the 611 residential units and 50,000 square feet of retail uses as proposed in the original application, the annual operating and maintenance costs for water and sewer services to the application site are estimated at \$131,696. Per the revised application, if the property were to be developed with 398 dwelling units and 40,000 square feet of commercial uses, the annual operating and maintenance costs for water and sewer services are estimated at \$103,913.20.

Housing Impact

Applications to amend the Adopted 2020 and 2030 Land Use Plan map of the CDMP have the potential to reduce or increase the county's housing supply, based upon the current CDMP land use designation of the application site, the requested CDMP land use designation and voluntary restrictions on residential density. If the Lucky Start at the Hammocks, LLC, Application were approved as originally filed, the County's supply of housing could be increased by a total of 611 dwelling units. If the application is approved as revised by the Board pursuant to the Applicant's request made by letter dated March 21, 2013, the County's supply of housing could be increased by 398 dwelling units.

Track record/monitor

CDMP amendments do not involve contracts; therefore, information on Track Record/Monitoring is not applicable.

Background

The attached substitute ordinance provides for the Board's final action on the Lucky Start at the Hammocks, LLC, Application to amend the CDMP. The Board's previous action on referenced CDMP amendment application at the April 2, 2013 public hearing was to "Transmit with Change as requested by the applicant and with the proffered Declaration of Restrictions". The referenced CDMP amendment application was transmitted to the State Land Planning Agency (SLPA) and other reviewing agencies by letter dated May 9, 2013 for review and comment. The reviewing agencies presented their findings on the Application in their correspondence issued between May 16, 2013 and June 14, 2013. The Florida Fish and Wildlife Conservation Commission is the only agency that provided comments on the referenced CDMP amendment application, regarding the potential of burrowing owls existing on the application site and what should be done if burrowing owls exist on the site. These comments are addressed in the Department's Final Recommendation report mentioned below.

The change to the application seeks redesignation of the subject site to "Low-Medium Density Residential" (± 52.48 acres) and "Business and Office" (± 4.94 acres). The Application as originally filed sought to redesignate the application site to "Low-Medium Density Residential" on ± 29.62 gross acres, "Business and Office" on ± 9.18 gross acres, and "Medium Density Residential" on ± 18.62 gross acres. A "Summary of Recommendations" matrix is enclosed with the Board's agenda package, which summarizes the recommendations on the application

including those of the Department, the affected community council, and the Planning Advisory Board.

The referenced Lucky Start at the Hammocks, LLC, Application to amend the CDMP was filed for concurrent processing with a separate, but related, Notice of Proposed Change to the Hammocks Development of Regional Impact. The maximum development that may occur on the application site is limited by the development order for the Hammocks Development of Regional Impact, and the concurrent Notice of Proposed Change proposes a maximum of 398 dwelling units and 40,000 square feet of commercial uses for the application site.

Final Recommendation

The Department's final recommendation on the application is to "Adopt with Change as Transmitted and with acceptance of the proffered Declaration of Restrictions" and is contained in a report titled "Final Recommendations Lucky Start at the Hammocks, LLC, Application to amend the CDMP". This report addresses the change to the application and the Florida Fish and Wildlife Conservation Commission's comments on the application.


Jack Osterholt
Deputy Mayor/Director




MEMORANDUM

(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: January 23, 2014

FROM: 
R. A. Cuevas, Jr.
County Attorney

Substitute _____

SUBJECT: Special Item No. 1

Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Substitute
Special Item No. 1
1-23-14

ORDINANCE NO. _____

ORDINANCE RELATING TO MIAMI-DADE COUNTY
COMPREHENSIVE DEVELOPMENT MASTER PLAN;
PROVIDING DISPOSITION OF APPLICATION REQUESTING
AMENDMENTS TO THE COMPREHENSIVE DEVELOPMENT
MASTER PLAN FILED FOR CONCURRENT PROCESSING
WITH NOTICE OF PROPOSED CHANGES TO THE
HAMMOCKS DEVELOPMENT OF REGIONAL IMPACT;
PROVIDING SEVERABILITY, EXCLUSION FROM THE CODE
AND EFFECTIVE DATE

WHEREAS, pursuant to Chapter 163, Part 2, Florida Statutes, the Comprehensive Development Master Plan (CDMP) for Miami-Dade County was adopted by the Miami-Dade Board of County Commissioners (Board) in 1988; and

WHEREAS, Chapter 380.06(6), Florida Statutes, provides a procedure for accepting and processing applications to amend a local comprehensive plan concurrently with a Notice of Proposed Change to an existing Development of Regional Impact; and

WHEREAS, Section 2-116.1 of the Code of Miami-Dade County, Florida, provides procedures for amending the CDMP which comply with the requirements of the foregoing State Statutes and Administrative Code; and

WHEREAS, the Lucky Start At The Hammocks, LLC, filed an application to amend the CDMP that is being processed concurrently with a Notice of Proposed Changes, filed with the South Florida Regional Planning Council, requesting approval of changes to the existing Hammocks Development of Regional Impact, as provided in Chapter 380.06(6), Florida Statutes, and Section 2-116.1, of the Code of Miami-Dade County; and

WHEREAS, the Lucky Start At The Hammocks, LLC, Application to amend the CDMP and the initial recommendation of the Department of Regulatory and Economic Resources (Department) required by Section 2-116.1, Code of Miami-Dade County, are contained in a document titled "Application and Initial Recommendation Lucky Start At The Hammocks, LLC, Application to Amend the Miami-Dade County Comprehensive Development Master Plan," dated November 13, 2012; and

WHEREAS, the West Kendall Community Council (11) conducted an optional public hearing on November 20, 2012 that was continued to December 11, 2012, pursuant to Section 2-116.1(5)(a)(2), Code of Miami-Dade County, to address the Lucky Start At The Hammocks, LLC, CDMP Amendment Application; and

WHEREAS, the Planning Advisory Board, acting as the Local Planning Agency, conducted a duly noticed public hearing on December 17, 2012, to address the Lucky Start At The Hammocks, LLC, CDMP Amendment Application, the recommendations of the Department, the affected Community Council, and to address the transmittal of the amendment application to the State Land Planning Agency and other state and regional agencies (reviewing agencies) for comments, and to formulate recommendations regarding final action on the requested CDMP amendment application, unless such time is extended by the applicant pursuant to Chapter 380.06, Florida Statutes; and

WHEREAS, the Board must take final action to Adopt, Adopt With Change, or Deny the referenced CDMP amendment Application no later than sixty (60) days after receipt of written comments from the reviewing agencies addressing the subject application, unless such time is extended by the applicant pursuant to Chapter 380.06, Florida Statutes; and

~~[[WHEREAS, the Department and the Planning Advisory Board may issue revised recommendations addressing the transmitted CDMP amendment application after receipt of comments from the reviewing agencies, prior to final hearing and action by the Board; and]]~~¹

>>WHEREAS, by letter dated March 21, 2013, the Applicant submitted a revised application for consideration by this Board; and

WHEREAS, on April 2, 2013, this Board, by Resolution No. R-195-13, instructed the Mayor to transmit the revised Lucky Start at the Hammocks, LLC, Application to Amend the CDMP to the reviewing agencies for review and comment pursuant to Section 163.3184(3), Florida Statutes; and

WHEREAS, the Florida Department of Education by letter dated May 16, 2013, Florida Department of Transportation, District Six, by letter dated May 28, 2013, Florida Department of Environmental Protection by correspondence dated May 30, 2013, Florida Department of Agriculture and Consumer Services by letter dated May 31, 2013, the South Florida Water Management District by letter dated June 6, 2013, Florida Department of Economic Opportunity by letter dated June 14, 2013, and the South Florida Regional Planning Council by correspondence dated June 3, 2013, each identified no adverse impacts to state facilities and resources and thereby made no comments on the transmitted Lucky Start at the Hammocks, LLC, Application to Amend the CDMP; and

WHEREAS the Florida Fish and Wildlife Conservation Commission by letter dated May 31, 2013, made comments on the Application; and

¹ The differences between the substitute and the original item are indicated as follows: Words double stricken through and/or [[double bracketed]] are deleted, words double underlined and/or >>double arrowed<< are added

WHEREAS, in January 2014, the Department issued its final recommendation addressing the revised application and the comments of the Florida Fish and Wildlife Conservation Commission in a report titled "Final Recommendation Lucky Start at the Hammocks, LLC, Application to Amend the Miami-Dade County Comprehensive Development Master Plan"; and<<

WHEREAS, [[consideration of]] the subject application is being processed outside the County's regular twice-per-year comprehensive plan amendment cycles pursuant to Section 2-116.1, Code of Miami-Dade County; and

WHEREAS, all existing lawful uses and zoning in effect prior to a CDMP amendment are deemed to remain consistent with the CDMP as amended unless the Board, in conjunction with a particular zoning action, finds such pre-existing zoning or uses to be inconsistent with the CDMP based upon a planning study addressing the criteria set forth in the CDMP; and

WHEREAS, the approval of an amendment to the CDMP does not assure favorable action upon any application for zoning or other land use approval but is part of the overall land use policies of the County; and

WHEREAS, any application for zoning or other land use approval involves the application of the County's overall land use policies to the particular request under consideration; and

WHEREAS, the County's overall land use policies include, but are not limited to, the CDMP in its entirety and the County's land development regulations; and

WHEREAS, this Board has conducted the public hearing(s) required by the referenced procedures preparatory to enactment of this ordinance,

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY
COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. All matters set forth in the preamble are found to be true and are hereby
incorporated by reference as if set forth verbatim and adopted.

Section 2. This Board hereby desires to take further action on the pending Lucky
Start At The Hammocks, LLC, CDMP Amendment Application filed for concurrent processing
with the Notice of Proposed Changes for the Hammocks Development of Regional Impact as
follows:

| Application | Applicant/Representatives Location (Size) REQUESTED CHANGES TO THE CDMP | Final Commission Action |
|---|--|-------------------------|
| Lucky Start At The Hammocks, LLC | <p>Lucky Start At The Hammocks, LLC/Juan J. Mayol, Esq. and Joseph G. Goldstein, Esq.</p> <p>Holland and Knight, LLP 701 Brickel Avenue, Suite 3000, Miami, FL 33131 (±57.42 gross; ±53.47 net)</p> <p>1. Re-designate the ±57.42-gross acre application site within the Development of Regional Impact on the Adopted [[2015-2025]] >>2020-2030<< Land Use Plan map from "Industrial and Office" to "Low-Medium Density Residential" on Parcel A >>(±29.62 gross acres and Parcel B (±22.86 gross acres) and "Business and Office" (±4.94 gross acres) on Parcel C;<< [[±16.89 gross acres) and Parcel D (±12.73 gross acres), "Business and Office" on Parcel B (±9.18 gross acres), and "Medium Density Residential" (±18.62 gross acres) Parcel C]] and</p> <p>2. Add a proffered Declaration of Restrictions, if accepted by the Board, to the Restrictions Table [[on Page I-74.1]] >>in Appendix A<< of the CDMP's Land Use Element.</p> | |

Section 3. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected thereby. If the referenced CDMP amendment application, or portion of the application, is found to be not in compliance pursuant to Section 163.3184, Florida Statutes, the remainder of the application subject to such a finding, and the remaining application adopted by this ordinance shall not be affected thereby.

Section 4. It is the intention of the Board, and it is hereby ordained that the provisions of this ordinance shall be excluded from the Code of Miami-Dade County, Florida.

Section 5. This ordinance (overall amendment) shall become effective ten (10) days after the date of enactment, unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board; however, pursuant to Section 163.3184(3)(c)4, Florida Statutes, the effective date of any individual plan amendment included within the overall amendment shall be 31 days after the State Land Planning Agency notifies the local government that the plan amendment package is complete, if the amendment is not timely challenged. If timely challenged, the amendment shall become effective on the date the State Land Planning Agency or the Administration Commission enters a final order determining the adopted amendment to be in compliance. No development orders, development permits, or land uses dependent on such individual amendment may be issued or commence before it has become effective. If a final order of noncompliance is issued by the Administration Commission, the

individual amendment may nevertheless be made effective, subject to the imposition of sanctions pursuant to Section 163.3184(8), Florida Statutes, by adoption of a resolution affirming its effective status, a copy of which resolution shall be filed with the Clerk of the Board and sent to the State Land Planning Agency.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency.

ADW

Prepared by:

CHC

Craig H. Collier